



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/752,204	12/29/2000	Michael Ray Crabtree	YOR920000652US1	9101

7590 01/10/2003

Blanche E. Schiller, Esq.  
HESLIN & ROTHENBERG, P.C.  
5 Columbia Circle  
Albany, NY 12203

EXAMINER

AKERS, GEOFFREY R

ART UNIT

PAPER NUMBER

3624

DATE MAILED: 01/10/2003

4

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.	69/152284	Applicant(s)	Cobstar
Examiner	Alex, g	Group Art Unit	3628

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

### Status

- Responsive to communication(s) filed on 12/29/00
- This action is FINAL.
- Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

### Disposition of Claims

- Claim(s) 1-101 is/are pending in the application.
- Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- Claim(s) \_\_\_\_\_ is/are allowed.
- Claim(s) 1-101 is/are rejected.
- Claim(s) \_\_\_\_\_ is/are objected to.
- Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

### Application Papers

- See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.
- The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- The specification is objected to by the Examiner.
- The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119 (a)-(d)

- Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- All  Some\*  None of the CERTIFIED copies of the priority documents have been received.
- received in Application No. (Series Code/Serial Number) \_\_\_\_\_
- received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

### Attachment(s)

- Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_  Interview Summary, PTO-413
- Notice of Reference(s) Cited, PTO-892  Notice of Informal Patent Application, PTO- \_\_\_\_\_
- Notice of Draftsperson's Patent Drawing Review, PTO-948  Other \_\_\_\_\_

Art Unit:3624

## **DETAILED ACTION**

1. Claims 1-101 have been examined.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-101 are rejected under 35 USC 103(a) as unpatentable over Barnes(US Pat.

No:5,970,475) in view of Meltzer(US Pat. No: 6,125,391) and further in view of Takriti(US Pat. No: 6,021,402).

4. As per claims 1-101, Barnes teaches a method for facilitating the exchange of goods/services(Abstract)(Fig 1)(Fig 2) utilizing the Internet(Fig 1)(Fig 6B) and utilizing a third party trusted authority(Fig 3/54) incorporating suppliers and buyers(Fig 6B/106)(Fig 6A/84/78) incorporating a bank and a clearing mechanism(Fig 6A/50/18) as well as an invoicing mechanisms(Fig 10)(Fig 11)(Fig 22)(Fig 23)(Fig 24) and approved suppliers(Fig 16).Meltzer teaches a transaction network consisting of multiple trading partners(Fig 1) and a trading apparatus(Fig 3) as well as an attribute characterizatrion and bid builder(Fig 7/700) utilizing product identifiers from OEMs(Fig 8/820) and bidding by RFQs(Fig 8/813) including market maker mechanisms(Fig 11/1105).Takriti teaches a buy/sell model(Abstract)(Fig 1A)(Fig 1B)(Fig

Art Unit:3624

2)(Fig 3)(Fig 12)(Fig 14)(Fig 15) for a commodity(col 5 line 65-col 10 line 3).It would have been obvious to one skilled in the art at the time of the invention to combine Barnes in view of Meltzer to teach part of the above. The motivation to combine is to teach a method for connecting business, customers suppliers and trading partners together as enunciated by Meltzer(col 2 lines 32-34).Furthermore, it also would have been obvious to one skilled in the art at the time of the invention to combine Barnes in view of Meltzer and further in view of Takriti to teach all of the above. The motivation to combine is to teach a computer risk management model for scheduling the generation and (sale) of a commodity to buyer-consumers as enunciated by Takriti(col 4 lines 50-53) as applied to a commodity-based transaction.

***Claim Rejections - 35 USC § 101***

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claims 69 and 92 are further rejected under 35 USC 101 for failing to define a functionality comprising of a concrete and tangible result.

***Conclusion***

7. **THIS ACTION IS MADE NON-FINAL.**

\*\*\*\*\*

Art Unit:3624

8. Any questions concerning this communication should be addressed to the examiner of record, Dr. Geoffrey Akers, P.E., who can be reached between 6:30 AM and 5:00 PM Monday through Friday at 703-306-5844. If attempts to contact the examiner are unsuccessful, the examiner's superior, Mr. Vincent Millin, SPE, may be telephoned at (703)-308-1065.

The fax number for Formal or Official faxes and Draft or Informal faxes to Technology Center 3600 or this Art Unit is (703)-308-3687. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)-308-1113.

GRA

  
January 9, 2003